



SUNNYVALE SUSTAINABILITY COMMISSION MEETING MINUTES NOVEMBER 21, 2011

The Sustainability Commission met at 7:00 p.m. in the West Conference Room, 456 W. Olive Ave., with Chair Sue Harrison presiding.

CALL TO ORDER

Commission Chair Sue Harrison called the meeting to order at 7:00 p.m.

ROLL CALL

Members Present: Chair Sue Harrison
Vice Chair Regina Wheeler
Commissioner Barbara Fukumoto
Commissioner Gerry Glaser
Commissioner Dan Hafeman
Commissioner Joe Green-Heffern
Commissioner Amit Srivastava

Staff Present: Director of Environmental Services, John Stufflebean
WPCP Division Manager, Lorrie Gervin
Solid Waste Programs Division Manager, Mark Bowers
Superintendent of Building Inspection, Ali Fatapour
Permit Center Coordinator, Diana Perkins
Principal Planner, Andrew Miner
Environmental Sustainability Coordinator, Dustin Clark

PRESENTATION

Diana Perkins, Permit Center Coordinator and Andy Miner, Principal Planner from the Community Development Department provided the Commissioners an overview of the Green Building Program and Ordinance. In addition, the Commissioners were provided the draft workplan developed by CDD for bringing the Green Building Ordinance back to Council in April. The workplan indicates that the Commission will have the opportunity to provide feedback during a joint study session in February and during a public hearing before the Commission in March. CDD solicited comments from the Commissioners.

No action from the Commission was required.

Mark Bowers, Solid Waste Program Division Manager delivered a presentation regarding the current status of the Sunnyvale Single-Use Carryout Bag Ordinance Final Environmental Impact Report (FEIR). The presentation briefly addressed the process leading up to the FEIR. It then focused on the comments and responses to comments arising from the draft EIR, the status of the legal issues that have come up, some directly related to the City and some indirectly related to the City's process. Finally, the presentation addressed changes that will appear in the

ordinance staff is recommending to Council compared to the ordinance at the beginning of the process.

Action was taken during General Business.

CONSENT CALENDAR

1.A) Approval of draft minutes of Sustainability Commission meeting of September 19, 2011.

Commission Chair Harrison followed up with Commissioner Srivastava regarding his absence at the September meeting. It was acknowledged that the absence was unexcused and will be reflected in the September approved meeting minutes.

MOTION: Commissioner Glaser moved and Commissioner Green-Heffern seconded to approve the September 19, 2011 minutes reflecting the absence of Commissioner Srivastava.

VOTE: 6– 0 (Commissioner Srivastava abstained)

PUBLIC ANNOUNCEMENTS

None

PUBLIC COMMENTS

None

PUBLIC HEARINGS/GENERAL BUSINESS

1. Plastic Bag Ban Ordinance

The Commission generally approved of the ordinance, which would ban the use of plastic single-use carryout bags and require retailers collect a mandatory charge of 10 cents for each paper bag given to a customer to carry out purchases. The Commission discussed at length the merits of extending the single-use plastic bag ban to retailers beyond the 99 stores identified in the staff report. The major issue raised was in regard to education and outreach to approximately 750 smaller retailers not included in the 99 stores. The concern was that other retailers have not had sufficient outreach if the ordinance were to extend to those establishments. The Commissioners discussed the amount of time that would be appropriate to conduct outreach if the ban were imposed at that level. It was moved by Commissioner Hafeman, with a second by Commissioner Glaser, to recommend to Council that the ordinance apply to all retailers except restaurants/eating places. The 99-store group would be covered as of June 20, 2012 as recommended by staff. Six months later the remaining retailers would be covered. A friendly amendment was offered by Commissioner Wheeler to expand the ban to all retailers one year after the adoption of the ordinance, rather than after six months, as proposed in the original motion. The friendly amendment was not accepted. A friendly amendment was offered by Commissioner Fukumoto to revisit the ordinance after two years with regard to the mandatory charge imposed by the ban to review whether the charge per bag is set at the appropriate level. Commissioner Fukumoto's friendly amendment was accepted.

The entire Commission was supportive of the motion to extend the ban to all retailers and the dissenting votes reflect a difference of opinion on how soon to expand the ban to all retailers. The minority opinion was for extending the ban to all retailers after one year, instead of six months.

Chair Harrison opened the public hearing for comments.

There were no public comments.

Chair Harrison closed the public hearing.

MOTION: Commissioner Hafeman moved, Commissioner Glaser seconded, to recommend to Council that the City adopt an ordinance imposing a ban on single-use carry out bags on all retailers, beginning with the 99 stores identified in the staff report, and expanding to all other retailers, excluding restaurants, six months after the adoption of the ordinance. In addition, the City should review the mandatory charge for paper bags imposed as a result of the ordinance after two years of implementation to evaluate whether the charge per bag is set at the appropriate level.

VOTE: 4-3 (Commissioner Wheeler, Commissioner Green-Heffern and Commissioner Fukumoto dissenting)

2. Ranking of Study Issues

Commissioners were given a ballot and asked to rank study issues that could potentially come before the Commission.

Environmental Sustainability Coordinator Clark shared the results of the Commission's study issue ranking.

Chair Harrison opened the public hearing for comments.

There were no public comments.

Chair Harrison closed the public hearing.

Rank	Item	Study Issue
1	ESD 12-01	Community and Operational Greenhouse Gas Inventory
2	ESD 11-01	Ban the Use of Expanded Polystyrene (EPS) Food Containers (formerly DPW 11-01)
3	DPW 10-09	Reliable Electrical Power Options
3	ESD 12-04	Community Solar Program
5	ESD 12-03	Impact of Sea Level Rise on Land Use
6	ESD 12-02	Sustainability Demonstration Fund
7	CDD 12-01	Requiring Solar Panel Installation as Part of Re-roofing Projects

Study issues DPW 10-09 and ESD 12-04 were tied in the ranking as indicated in the results. Commissioner Glaser commented that it should be noted that study issues DPW 10-09 and ESD 12-04 are related due to the potential implications of a Community Choice Aggregation mechanism that may be necessary for the City to meet AB 32 emission reduction goals.

Commissioner Hafeman commented that study issue CDD 12-01 raised a concern because a lot of roofs are not compatible with solar due to ordinances protecting trees, causing solar panels not to be practical, and that solar does not work everywhere.

Commissioner Glaser commented that study issue ESD 12-01 is important because measurement has to start first in order to determine where the City is and inform the City whether investment is in the right place.

NON-AGENDA ITEMS AND COMMENTS

Board and Commission Member Oral Comments

Commissioner Glaser commented that he attended a meeting in San Jose in which San Francisco reported their efforts to get businesses to report their greenhouse gases and how to rank buildings using energy star ratings. Based on the presentation, Commissioner Glaser indicated that in the future it may be worth looking into whether there would be interest at the City level of an ordinance requiring businesses to report their greenhouse gas emissions, similar to what San Francisco has implemented.

Staff Oral Comments

Environmental Sustainability Coordinator Clark announced that the Council Subcommittee on Board and Commission Bylaw Amendments will be meeting November 28, 2011 at 7:00 p.m. in the Garden Conference Room at City Hall. One of the topics on the agenda is a discussion of increasing the frequency of Sustainability Commission meetings. The meeting is open to the public.

Environmental Sustainability Coordinator Clark announced that there will be a joint study session of the Sustainability Commission, Bicycle and Pedestrian Advisory Commission (BPAC) and City Council to review the draft Climate Action Plan and Land Use and Transportation Element work completed by the Horizon 2035 Committee. The meeting will be held November 29, 2011, at 5:00 p.m. in the Library Program Room A/B. The meeting is open to the public.

ADJOURNMENT

Chair Harrison adjourned the meeting at 10:02 p.m.

Respectfully submitted,

Dustin Clark, Environmental Sustainability Coordinator

Reviewed by: John Stuffelbean, Director of Environmental Services
Lorrie Gervin, WPCP Division Manager